

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CEDRIC FRANKLIN,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

Case No. 13-5217 RBL-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF 16). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This Court recommends that on remand, the ALJ will evaluate the opinions of Drs. Firestone, Flanagan and Eather, and give reasons for the weight assigned in accordance with 20 C.F.R. § 416.927 and Social Security Rulings 96-5p, 96-6p, and 96-8p. The ALJ will reassess the claimant's residual functional capacity, as necessary. The ALJ will obtain supplemental vocational expert evidence to clarify the effect of the assessed limitations on the claimant's occupational base and determine whether there are jobs existing in significant numbers in the national economy Plaintiff can perform.

REPORT AND RECOMMENDATION - 1

1 This Court hereby reverses the Commissioner's decision under sentence four of 42  
2 U.S.C. §405(g) with a remand of the case to the Commissioner for further proceedings. *See*,  
3 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Plaintiff will be entitled to reasonable attorney fees  
4 and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request  
5 to this Court.

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7 Given the fact of the parties' stipulation, the Court recommends that the District Judge  
8 immediately approve this Report and Recommendation and order the case **REVERSED** and  
9 **REMANDED**. A proposed order accompanies this Report and Recommendation.

10 DATED this 13<sup>th</sup> day of August, 2013.

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13 Karen L. Strombom  
14 United States Magistrate Judge  
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